

Issue 11: Are the strategic transport schemes referred to in Policy TRA1 justified and will they be delivered in timely fashion so as to facilitate growth and environmental benefits?

i) Is it realistic to expect that the Junction 10a scheme will be completed and open to traffic in August 2019? Would these improvements provide adequate capacity for the development anticipated during the plan period and beyond? Is it reasonable to require financial contributions to be made as part of a number of the site allocation policies if the work is already funded? Are suitable safeguards in place to ensure adequate capacity is in place before occupation of new development occurs?

1. The programme for the construction of the M20 Junction 10a scheme has been shared with key stakeholders including the Borough Council for several months and confirmation of the anticipated opening of the scheme to traffic in August 2019 is contained within a letter from Simon Jones, the Operations Director for Highways England - South East to Sylvana Jones at Kent County Council dated 19th December 2017. This draws the important distinction with the final scheduled end of works date in May 2020 when the contractual obligations with Vinci (the appointed lead contractor for the scheme) end.
2. Since this letter was sent, works on the scheme have commenced on site and so the build programme remains on schedule.
3. With respect to the release of new development, the Council considers it is the date of the opening to traffic that is key as that is the point at which the new capacity on the highway network will be realised and at which there would be no justification to restrict occupation of new development in respect of a lack of capacity at Junction 10/10a of the M20.
4. The history of the M20 Junction 10a scheme is set out in summary in the Submission Local Plan and the need for new junction capacity here has been recognised since before the adoption of the Core Strategy in 2008. It has long been accepted by the Council that the delivery of a new junction here was fundamental to enabling the delivery of new housing and employment sites to the south and east of the town, both in this and previous Development Plans.

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5. The Development Consent Order process by which the Junction 10a scheme has secured permission to proceed has involved the modelling of committed and proposed developments around Ashford. This is consistent with the amount and type of development now proposed to be allocated in the submission Local Plan and the capacity created by the scheme will be sufficient to cater from traffic movements until at least 2030 including the full build out of all the Local Plan allocations as expected in the Housing trajectory.

Funding

6. The total funding for the scheme includes fixed commitments of £19.7m from the South East LEP and £16m from 'developer funding' with the balance to be provided through Highways England's budget.
7. Following discussions with the HCA (now Homes England) and the MHCLG, it was agreed that the 'developer funding' aspect would be forward funded by central Government on the basis it would be re-paid by the Borough Council via developer contributions to Homes England over the Plan period. An Agreement to this effect was signed between the Council and the HCA (as it was then) in 2017. This overcame the difficulty of a single developer needing to provide the full £16m sum 'up-front' which would have meant a disproportionate level of contribution falling on a single developer in a situation where multiple developments need the new capacity created by the infrastructure improvement.
8. Some of the £16m 'developer funding' will be provided from existing sites now coming forward, for example at Finberry, where existing Section 106 or Section 278 Agreements have been entered into to provide phased contributions to the Council for the purposes of helping to deliver the Junction 10a scheme. For Section 106 Agreements, these have been based on contributions levied using the formula agreed in SPG6 (Providing for the transport needs arising from the South of Ashford Transport Study) for proportionate contributions to a package of highway improvements including Junction 10a. As para. 5.229 of the Submission Local Plan explains, since the advent of the CIL regulations in 2014, the Council and Highways England have agreed that bespoke contributions to the Junction 10a scheme via a Section 278 Agreement will be needed given the pooling restrictions on S106 Agreements.
9. Should further requirements be required to repay the £16m 'developer contribution' element, the Council accepts that any balance may need to come from future CIL payments subject to the nature of CIL at the time and any amendment of Regulations governing how S106 or CIL may be used.
10. The Council's approach to managing the occupation of new development in advance of the adequate highway capacity being available has been to impose Grampian-style conditions on planning permissions to restrict occupation (as opposed to commencement) of new development until the additional capacity is available. This is referred to in para. 5.227 of the Submission Local Plan in respect of Junction 10a but the principle may also be applied more widely in respect of other infrastructure if necessary.

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ii)	What would be the benefits of the Pound Lane link road? What is the latest position regarding its delivery? Is the development of sites S3, S4 and S5 dependent on this and is any connection adequately expressed in the site allocation policies?
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11. Discussions are currently on-going with the promoters/ developers of proposed sites S3, S4 and S5 and KCC Highways & Transportation with the aim of establishing an alternative package of highway infrastructure / junction improvements that would mitigate the traffic impacts of the developments (including relevant committed traffic) without the need for the Pound Lane Link Road, on a 'nil detriment' basis.
12. Further comment on this is proposed to be submitted to the examination in advance of the discussions on those three site allocations under Issue 12 on the 9th May.
13. Notwithstanding the ability to demonstrate a suitable alternative means of mitigating the traffic generated by the three sites, the Borough Council still considers that there should be a future link between Pound Lane and the Forestall Meadow roundabout at the entrance to the Park Farm development. Such a link would help to alleviate the impacts of traffic coming eastwards from the Chilmington Green development as it is built out over time without having to utilise the more rural route of Magpie Hall Road to the south or Long Length / Britannia Lane route that passes through the Knight's Park housing development – neither of which are designed to accommodate significant levels of traffic whilst to do so would have a considerable adverse impact on the residential amenity of the residents in those locations.
14. The Council has commissioned a study to consider alternative alignments of a Link Road involving different land ownerships and, as referred to in para. 5.237 of the Submission Local Plan, whilst a link can be constructed on the land owned currently owned by the Council, a better route may involve third party land. It is accepted that most of the land that the Link Road would cross lies in the 100 year floodplain and that the need to mitigate any potential flood impact would be required as part of any design but this also means that any third party land has very limited, if any, development value.
15. Consequently, the Council seeks the retention of the route in the Local Plan to 2030 notwithstanding the outcome of the discussions referred to above.